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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	CASE NO. 16-MJ-71579 MAG
)	
14 Plaintiff,)	
)	STIPULATION AND PROPOSED ORDER
15 v.)	CONTINUING PRELIMINARY HEARING AND
)	STATUS CONFERENCE, EXTENDING TIME
16 NOEL GONZALEZ,)	UNDER RULE 5.1, AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
17 Defendant.)	
)	

18
19 The United States of America, through Andrew F. Dawson, Assistant United States Attorney,
20 and the defendant, Noel Gonzalez, through his counsel, hereby stipulate to a continuance of the
21 preliminary hearing or arraignment date in this case from September 22, 2017 to October 27, 2017, at
22 9:30 a.m. before the Duty Magistrate. Defendant Gonzalez is not in custody. The defendant agrees that
23 good cause exists to extend the time limits of Rule 5.1(c) to October 27, 2017. The parties also agree
24 that time is appropriately excluded under 18 U.S.C. § 3161, the Speedy Trial Act, between September
25 22, 2017, and October 27, 2017.

26 The parties agree that good cause exists, taking into account the public interest in the prompt
27 disposition of criminal cases, to extend the time for the preliminary hearing to September 22, 2017. The
28

1 parties have been actively discussing a resolution of this matter and are hopeful that such a resolution
2 might be reached without burdening Court with further proceedings after indictment. The parties
3 previously stipulated to continue the preliminary hearing to September 22, 2017, with the hope that a
4 criminal history report would be available in time to resolve this matter by September 22, 2017. The
5 criminal history report has now been prepared, but was not provided to the parties until September 13,
6 2017. The parties have therefore not had adequate time to consider the report and how it might affect a
7 resolution. The parties therefore stipulate and agree to continue the preliminary hearing to October 27,
8 2017.

9 The parties also agree that an exclusion of time is appropriate under the Speedy Trial Act
10 between September 22, 2017, and October 27, 2017, for purposes of the effective preparation of counsel,
11 continuity of counsel, and to permit counsel to conduct an investigation and consult with the defendant.
12 In addition, the defendant agrees to exclude for this period of time any time limits applicable under 18
13 U.S.C. § 3161. The parties also agree that the ends of justice served by granting such a continuance
14 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

15 Respectfully submitted,

16 BRIAN J. STRETCH
17 United States Attorney

18 Dated: September 19, 2017

19 _____
 /s/
20 ANDREW F. DAWSON
 Assistant United States Attorney

21 Dated: September 19, 2017

22 _____
 /s/
23 JESSE GARCIA
24 Attorney for NOEL GONZALEZ

1 **~~[PROPOSED]~~ ORDER**

2 Based upon the representation of counsel and for good cause shown, the Court finds that good
3 cause exists, taking into account the public interest in the prompt disposition of criminal cases, for
4 extending time under Rule 5.1 for a preliminary hearing to October 27, 2017. The Court further finds
5 that good cause exists for a continuance of the preliminary hearing date to October 27, 2017. The Court
6 finds that failing to exclude the time between September 22, 2017, and October 27, 2017, would
7 unreasonably deny the defendant and counsel the reasonable time necessary for effective preparation,
8 taking into account the exercise of due diligence, and that exclusion of time will provide for continuity
9 of defense counsel. The Court further finds that the ends of justice served by excluding the time
10 between September 22, 2017, and October 27, 2017, from computation under the Speedy Trial Act
11 outweigh the best interests of the public and the defendant in a speedy trial.


12 Therefore, IT IS HEREBY ORDERED that:

13 (1) The preliminary hearing or arraignment date are continued to October 27, 2017, at 9:30
14 a.m. before the Duty Magistrate; and

15 (2) Good cause exists to extend the time for the preliminary hearing under Rule 5.1 to
16 October 27, 2017; and

17 (3) The time between September 22, 2017, and October 27, 2017, shall be excluded from
18 computation of any time limits under the Speedy Trial Act.

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21 DATED: 9/20/17


HON. KANDIS A. WESTMORE
United States Magistrate Judge